



February 13, 2004

Assistant Commissioner of Patents

Washington, DC 20231

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Technology Center 2600

**PROTEST UNDER 37 CFR 1.291(a)**

Re: Method of disseminating advertisements  
using an embedded media player page

US File #**20040015398**

Filed: 4/24/03

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20040015398**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained at the client level in a client-server ad delivery system. The appropriate ads are selected through profiling techniques at the server level then a database is created and downloaded via the internet (0062) to "create bookmarks at a media player." This file of bookmarks (similar to a database of trigger events) then calls up advertising based on a voluntary user action relating to the stored database.

The unrelated "dissemination" of advertisements is described in (0006), (0030), (0036) and (0052).

The abstract clearly states, "When the bookmark is used in the browser to play the media file, the embedded media player page instructs the media device (110) to request an advertisement from an advertisement server (104) for display in the embedded media player page.

Relevant Claims are 12,19,20 and others that discuss the dynamic updating of new ads to the client and replacement of old ads based upon a number of "bookmarks" akin to keyword, URL and other voluntary user actions.

This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

I am objecting to this patent filing as it is neither novel nor unique. It is of particular note that no prior art was submitted with this filing and only some vague references to server profiling systems. The filers are correct that a targeted system based on URLs or keywords is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 4/24/03 filing.

I believe the Examiner should look very closely at the Claims made and judge accordingly.

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http://v3.espacenet.com/textdoc?A=Z&abstract=1&FIRST=1&CY=ep&L6=ent&DB=EP&DOCId=1&L6=Z&abstract=1&L6=Z

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Why does a list of documents with the title also published as prior art document and patent are listed documents?

What does A1, A2, A3 and B mean after an EP publication number? Which agency can I contact under the A1, A2, A3 and B?

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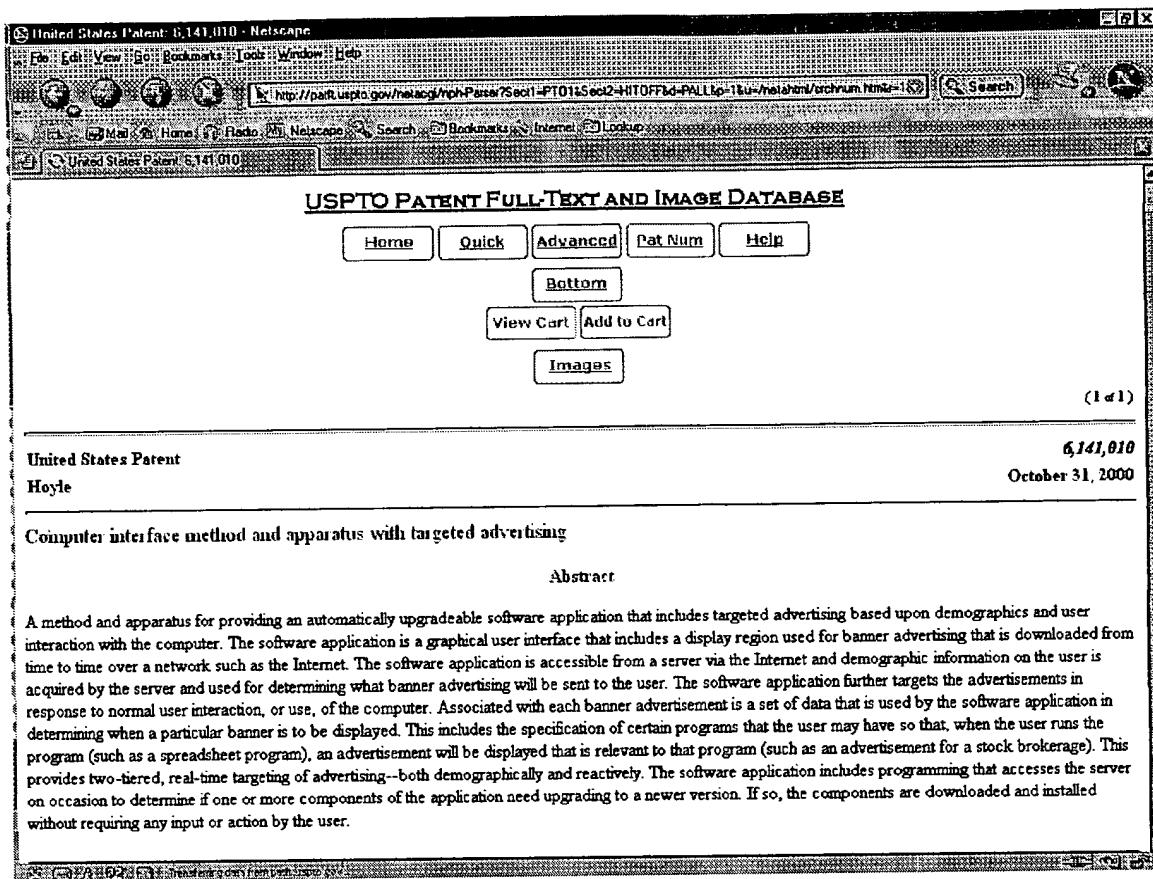
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**TELEPHONE CALL MANAGEMENT SOFTWARE AND INTERNET MARKETING METHOD**

Bibliographic data	Description	Claims	INPADOC	LEGAL status
Patent number:	CA2328913			
Publication date:	1999-10-29			
Inventor:	ZETMEIR KARL D (US)			
Applicant:	ZETMEIR KARL D (US)			
Classification:				
International:	H04M11/00			
European:				
Application number:	CA10002228913 10000414			
Priority number(s):	US1000002041 10000417 WO1000000107 10000414			
View INPADOC patent family				
<p><b>Abstract of CA2328913</b></p> <p>A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer is disclosed. The call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers (22) while the consumers use the program.</p>				



Claria - Corporate Overview - Overview - Netscape

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http://www.claria.com/companyinfo/

Claria - Corporate Overview - Overview

# CLARIA.

CORPORATE OVERVIEW

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  - Management Team
  - Employment
- ADVERTISING
- PRODUCTS & SERVICES
- CONTACT US

## Overview

### ■ Claria Corporation Overview

Claria Corporation is the leader in online behavioral marketing, serving over 38 million consumers and more than 900 Advertisers – including over 80 Fortune 1000 companies. Claria publishes advertising messages for top tier companies and agencies to consumers who are part of the GAIN Network, Claria's network of over 38 million consumers who agree to receive advertising based on their actual online behavior.

Unlike traditional demographic targeting, Claria's behavioral marketing model combines powerful insights into consumer behavior and the ability to deliver contextually targeted messages. The relevancy of the messages drives click-through and conversion rates up to 40 times higher than traditional banner ads – boosting campaign results to unprecedented levels. The difference is Claria's deep insights into consumer online behavior. Claria allows advertisers to target consumers based on their individual needs and interests resulting in industry leading ROI, not mass demographically targeted Web site populations.

In addition to its advertising network, Claria provides marketing research and business insights through its Feedback Research division. Feedback Research delivers in-depth analytics of consumer Web usage patterns across the entire Internet that cannot be attained via any other research provider. It also provides full service custom marketing research to Fortune 1000 clients. With exclusive access to the GAIN Network's 38 million consumers, Feedback Research surveys hard to reach consumers, based on their individual online behavior, quickly and cost-effectively.

### ■ History

Claria was founded in 1998 as The Gator Corporation to deliver the promise of one-to-one marketing on the Internet. The guiding vision was to develop a massive consumer audience by offering valuable web/software content for free in exchange for the right to show highly targeted advertising based on consumers' anonymous surfing behavior. Launched in June 1999, the Gator eWallet was the company's first free ad-supported software product, and it quickly grew to become the most popular product in its category.

By November 1999, Claria had revolutionized the online advertising industry by introducing its contextual and behavioral relevant online advertising model. This new advertising method resulted in unparalleled ROI for advertisers.

Claria headquarters are located in Redwood City, California, with U.S. offices in Los Angeles, Chicago, New York, Detroit, Austin, and International offices in the U.K. and Asia. Claria is backed by top-tier venture capitalists such as Greylock, Technology Crossover Ventures, U.S. Venture Partners, Jovetta AB and Comlink Capital.